

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-007-RJC**

MARKESE D. RICE,)	
)	
Petitioner,)	
)	
vs.)	<u>ORDER</u>
)	
STATE OF NORTH CAROLINA,)	
)	
Respondent.)	
<hr style="width:50%; margin-left:0"/>)	

THIS MATTER is before the Court on the following motions by Petitioner related to his pro se habeas petition brought under 28 U.S.C. § 2254: a Motion for Reconsideration, (Doc. No. 19); a Motion for Summary Judgment, (Doc. No. 20); a Motion to Appoint Counsel, (Doc. No. 21); and a Motion for Leave to Conduct Discovery, (Doc. No. 22). Petitioner filed all of these pending motions after this Court granted summary judgment to Respondent as to Petitioner's § 2254 habeas petition and after the Fourth Circuit Court of Appeals affirmed this Court's order.

First, as for Petitioner's Motion for Reconsideration, Petitioner presents no meritorious grounds for this Court's reconsideration of its prior order granting summary judgment to Respondent. Therefore, the Court will deny the motion for reconsideration.

Next, Petitioner's Motion for Summary Judgment, (Doc. No. 20); Motion to Appoint Counsel, (Doc. No. 21); and Motion for Leave to Conduct Discovery, (Doc. No. 22), are all denied as moot because this action was dismissed by Order of this Court dated September 20, 2012. See (Doc. No. 14). Moreover, on February 25, 2013, the Fourth Circuit dismissed Petitioner's appeal of this Court's order denying his § 2254 petition. Rice v. North Carolina, 511

Fed. App'x 240 (4th Cir. 2013).

IT IS, THEREFORE, ORDERED that

1. Petitioner's Motion for Reconsideration, (Doc. No. 19); Motion for Summary Judgment, (Doc. No. 20); Motion to Appoint Counsel, (Doc. No. 21); and Motion for Leave to Conduct Discovery, (Doc. No. 22), are all **DENIED**.

Signed: June 23, 2014

A handwritten signature in black ink, reading "Frank D. Whitney", is written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

